

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF CHARLES MIX)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

CRIM. NO. 19-250

STATE OF SOUTH DAKOTA,)	
)	
Plaintiff,)	<u>COMPLAINT FOR</u>
)	
v.)	COUNT 1 - SECOND DEGREE MURDER
)	SDCL 22-16-1(1); 22-16-7; 22-16-12
AMANDA ROSE HERNANDEZ,)	Class B Felony
DOB [REDACTED])	
[REDACTED] SW)	
Wagner, SD 57380)	
)	
Defendant.)	

The undersigned being duly sworn upon oath charges:

COUNT 1

That on or about the 14th day of August, 2019, in the County of Charles Mix, State of South Dakota, Amanda Rose Hernandez did commit the public offense of **SECOND DEGREE MURDER**, (SDCL 22-16-1(1); 22-16-7; 22-16-12), in that she, by any act imminently dangerous to others and evincing a depraved mind, without regard for human life, although without any premeditated design, did effect the death of a human being, to-wit: [REDACTED] [REDACTED], DOB 07/[REDACTED]16, contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

That the Complainant states that this Complaint is based upon the Affidavit and Application for Ex Parte Probable Cause Determination of Special Agent Tyler Heine which is on file herein.

Dated this 19th day of August, 2019.

Katie L. Mallery

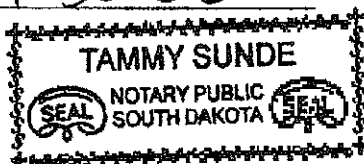
Katie L. Mallery
Assistant Attorney General
2000 E. 52nd Street North
Sioux Falls, SD 57104
Telephone (605) 367-5880

Subscribed & sworn to before me this 19th day of August, 2019.

Tammy Sunde
Notary Public South Dakota

Commission Expires:

1-30-23



C19-250

STATE OF SOUTH DAKOTA)
)
COUNTY OF CHARLES MIX)
:SS

IN CIRCUIT COURT

FILED

FIRST JUDICIAL CIRCUIT

AUG 19 2019

STATE OF SOUTH DAKOTA,
Plaintiff,

vs.

Hernandez, Amanda Rose

D/O/B: [REDACTED]

Defendant.

Jeff Roberts
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD
AFFIDAVIT AND APPLICATION
FOR EX PARTE
PROBABLE CAUSE DETERMINATION

TO: The Circuit Court, First Judicial Circuit, in and for Charles Mix County, South Dakota I hereby swear as follows:

1. My name is: Special Agent Tyler Heine; I am a law enforcement officer.
2. On the 16th day of August, 2019, I arrested the above named Defendant, without a warrant, and charged him or her with the offense(s) of: Murder in the 2nd Degree

In violation of: SDCL: 22-16-7

3. I believe that probable cause exists to arrest Amanda Rose Hernandez for such offense based on the following statement of facts:

On 8-14-19, I (SA Heine) was contacted by Wagner Police Department, Chief Tim Simonsen. Chief Simonsen advised the Wagner Police Department received a 911 call of an unresponsive three-year-old female at [REDACTED] in Wagner, SD.

Chief Simonsen advised responding Officers located, [REDACTED] DOB 7-16 (hereinafter referred to as [REDACTED]) unresponsive and cold to the touch in the residence. Chief Simonsen stated the responding Officers located [REDACTED] in a bedroom on the bottom bunk of a bunk bed.

Chief Simonsen stated responding Officers attempted to locate a pulse on [REDACTED] but no pulse was located. Chief Simonsen advised it was evident [REDACTED] was deceased. Chief Simonsen said while looking at [REDACTED], he noted obvious signs of trauma to [REDACTED]'s body. Chief Simonsen stated he observed, what appeared to be, significant bruising to [REDACTED] forehead, nose, both eyes, right facial cheek and right side of her abdomen.

Chief Simonsen advised [REDACTED], Amanda Hernandez (hereinafter referred to as Amanda) was at the residence when Officers arrived. Chief Simonsen said he spoke to Amanda briefly in regard to what had occurred.

Chief Simonsen said Amanda told him [REDACTED] had fallen from the top bed of a bunk bed on Monday, 8-12-19. Chief Simonsen stated Amanda advised that is the reason for the bruising on [REDACTED] face.

Chief Simonsen stated Amanda did not seek medical care for [REDACTED] for the bruising due to [REDACTED] acting normal on Tuesday, 8-13-19 and in to today, 8-14-19.

Chief Simonsen advised also at the house when Officer's arrived was [REDACTED] (hereinafter referred to as [REDACTED]). Chief Simonsen stated [REDACTED] is the owner of the house but Amanda and [REDACTED] had been living there for several weeks.

I advised Chief Simonsen to secure the residence and I would be responding to the scene.

Upon arrival, I spoke with Chief Simonsen. Chief Simonsen advised he further spoke with Amanda.

Chief Simonsen advised Amanda last saw [REDACTED] alive this (8-14-19) morning at approximately 6:30 AM. Chief Simonsen stated Amanda told him she (Amanda) was sleeping on the couch in the living room and [REDACTED] came out of the bedroom and woke her up.

Chief Simonsen stated Amanda told [REDACTED] to go back to bed and [REDACTED] did so. Chief Simonsen said Amanda then told him she woke up around noon and took a shower. Chief Simonsen stated Amanda then went to check on [REDACTED] and found her deceased in the bedroom on the bottom bunk of the bunk bed.

I advised Chief Simonsen I would like to speak to Amanda.

I made contact with Amanda and introduced myself to her. I requested Amanda to sit with me in my vehicle and speak with me. Amanda complied.

I advised Amanda I wanted to speak to her about what happened to [REDACTED] and the days leading up to her death. I told Amanda that the doors to my vehicle were unlocked, she was free to leave at any time and she did not have to speak to me if she did not wish to. Amanda stated she understood.

I asked Amanda if she could explain to me what happened to [REDACTED] and how she came to have the injuries that she ([REDACTED]) has.

Amanda advised she recently lost her job and moved to Wagner, SD. Amanda said she moved in with [REDACTED] and [REDACTED] children approximately two weeks ago with [REDACTED] and her other son, [REDACTED] (DOB 5-15).

Amanda said [REDACTED] moved in with her (Amanda's) grandparents approximately a week ago and has not been living with her.

Amanda advised on Monday, 8-12-19, [REDACTED] was playing in her bedroom with [REDACTED] children.

Amanda said she was lying on the couch in the living room watching a movie when [REDACTED] came running out of the bedroom. Amanda said [REDACTED] was crying and bleeding from her face. Amanda advised she took [REDACTED] to the bathroom and cleaned up the blood on her face with paper and towels.

Amanda advised she then gave [REDACTED] a shower.

Amanda said [REDACTED] told her that she ([REDACTED]) fell from the top bunk of the bunk bed and hit her face when she fell.

Amanda advised she noticed [REDACTED] had a large cut on her bottom lip and a bloody nose. Amanda stated [REDACTED]'s forehead and nose was extremely red in color.

Amanda advised she also asked [REDACTED] children what had happened, and they said [REDACTED] was getting up

from the top bunk and fell while trying to get off the bunk bed. Amanda advised the children told her [REDACTED] hit a metal bar on the bunk bed during the fall.

Amanda advised she laid on the couch with [REDACTED] until 11:00 PM, Monday night (8-12-19). Amanda said she then put [REDACTED] back to bed in the bunk bed.

Amanda said [REDACTED] woke up Tuesday (8-13-19) at approximately 8:00 AM. Amanda advised she noticed [REDACTED] started to having bruising to her forehead, nose and observed what she (Amanda) thought was a busted blood vessel in the corner of one of [REDACTED] eyes.

Amanda stated she did not take [REDACTED] to the hospital because [REDACTED] seemed fine and was acting as her normal self. Amanda advised the only abnormal thing she noticed with [REDACTED] was that she ([REDACTED]) seemed to be more tired than she normally was. Amanda stated she figured [REDACTED] was tired because she ([REDACTED]) got hurt the night before.

Amanda said they laid around the house Tuesday morning until noon. Amanda advised at noon, she took [REDACTED] to the river to swim and play. Amanda advised other people went with as well.

Amanda stated [REDACTED] played as she normally would and appeared fine. Amanda advised they returned home at approximately 4:00 PM.

Amanda said once they arrived home, [REDACTED] went outside to jump on the trampoline with other children. Amanda stated [REDACTED] fell off the trampoline and hurt her knee. Amanda stated Tuesday night, [REDACTED] was only complaining that her knee hurt.

Amanda stated she left the house at approximately 8:00 PM, Tuesday night to go drink at a friend's house. Amanda said [REDACTED] stayed at home with [REDACTED] and [REDACTED] children.

Amanda said she arrived back home at approximately midnight (8-14-19) and everyone was asleep in the house. Amanda advised she returned home with her friend, [REDACTED] Amanda said her and [REDACTED] fell asleep on the couch in the living room.

It was later learned that [REDACTED] legal name is [REDACTED] (hereinafter referred to as [REDACTED]). However, [REDACTED] commonly went by the last name of [REDACTED]. It should be further noted that [REDACTED] name on his Facebook profile is [REDACTED].

Amanda advised at approximately 6:00 AM on Wednesday, 8-14-19, she was awoken by [REDACTED] Amanda said [REDACTED] was whining and trying to wake her (Amanda) up. Amanda said she told [REDACTED] to go back to bed and [REDACTED] did so.

Amanda advised she woke up at noon and took a shower. Amanda said after her shower, she looked at [REDACTED] phone and noticed it was 1:30 PM. Amanda advised she got a bad feeling and wondered why [REDACTED] was not awake yet.

Amanda said she went in to the bedroom and found [REDACTED] unresponsive on the bottom bunk of the bunk bed. Amanda advised [REDACTED] was not breathing and cold to the touch.

Amanda said she yelled at [REDACTED] to call 911. Amanda advised [REDACTED] came in to the bedroom and attempted CPR for a brief time. Amanda said she also picked up [REDACTED] and tried to wake her up, but [REDACTED] would not wake up.

Amanda stated the police then arrived on scene and she was told to go outside.

I asked Amanda what she did with the towels after she had cleaned up the blood from [REDACTED]'s injuries. Amanda advised she threw the towels in the trash and the trash was then thrown outside in the large trash can.

I asked Amanda directly if her or anyone had gotten frustrated with [REDACTED] and caused the injuries the responding Officer's observed on [REDACTED] body. Amanda stated, "not that I know of".

I thanked Amanda for her time and ended contact with her.

On 8-15-19, I traveled to Sioux Falls, SD to be present during the autopsy of [REDACTED]. Upon completion of the autopsy, Dr. Kenneth Snell determined the cause of death for [REDACTED] was hemoperitoneum due to hepatic caudate lobe transection and avulsion and inferior vena cava laceration due to abuse. Dr. Snell advised there was contributing factors of a traumatic head injury as well. Dr. Snell stated [REDACTED] also had a fractured left femur.

Dr. Snell ruled the manner of death for [REDACTED] as a homicide.

On 8-16-19, SA Konrad and SA Pennock conducted an interview with [REDACTED]. During the interview, the following information was learned from [REDACTED].

[REDACTED] disclosed on Wednesday morning (8-14-19) she had woken up somewhere between 8:00 AM and 9:00 AM.

[REDACTED] advised when she woke up she went in to the living room and saw that Amanda had not returned home from partying the night before.

[REDACTED] stated at approximately 6:00 AM before she woke up, she ([REDACTED]) was woken up by [REDACTED] looking for her mother, Amanda. [REDACTED] advised [REDACTED] opened her bedroom door that led in to the living room where Amanda normally slept. [REDACTED] said she told [REDACTED] to go back to bed since Amanda was not home. [REDACTED] stated [REDACTED] closed the door and returned to bed.

[REDACTED] advised she had to go give a friend a ride to work. [REDACTED] said she left the house with the kids unattended. [REDACTED] said before she left, she checked on all the kids in the house and they were all ok and sleeping. [REDACTED] thought she left the between 8:00 AM and 9:00 AM.

[REDACTED] advised she returned to the house around 10:30 AM. [REDACTED] stated when she got home, she went and checked on all the children. [REDACTED] said all the children were ok and still sleeping.

[REDACTED] said shortly after arriving home, Amanda and [REDACTED] came home. [REDACTED] said Amanda came in her room and told her about her night and that she (Amanda) had lost her cell phone. [REDACTED] stated Amanda went to the couch in the living room with [REDACTED].

[REDACTED] stated her kids were in her ([REDACTED]) room sleeping so since Amanda was now home to take care of [REDACTED] she [REDACTED] went to sleep.

[REDACTED] advised she was not woke up until Amanda woke her up after finding [REDACTED] unresponsive and yelled her to call 911.

On 8-16-19, SA Pennock and SA Konrad also conducted an interview with [REDACTED]. The following was

learned from the interview with [REDACTED]

[REDACTED] advised on Tuesday night (8-13-19), he was out drinking with Amanda. [REDACTED] advised both he and Amanda had gotten extremely intoxicated.

[REDACTED] said he returned back to Amanda's house with Amanda. [REDACTED] advised he does not remember the exact time he returned home but agreed it was close to 9:00 AM Wednesday (8-14-19). [REDACTED] stated he remembers the sun being up. [REDACTED] stated upon arriving home, he laid down on the couch with Amanda in the living room.

[REDACTED] said he remembers being awakened by Amanda getting up off the couch. [REDACTED] recalled hearing [REDACTED] fusing in what he believed was [REDACTED] bedroom. [REDACTED] said Amanda went back towards [REDACTED] bedroom out of view. [REDACTED] stated he believes Amanda walked through the kitchen towards [REDACTED] bedroom.

[REDACTED] advised he could hear Amanda yelling. [REDACTED] did not recall hearing [REDACTED] crying during the time fame Amanda was yelling nor after Amanda stopped yelling.

[REDACTED] advised Amanda then returned to the couch and made some muffled remarks but could not recall what Amanda said. [REDACTED] stated Amanda laid down on the couch with him and they both went to sleep.

[REDACTED] advised when he woke up, he went to the bathroom to take a shower. [REDACTED] stated shortly after entering the shower, he learned that [REDACTED] was found unresponsive. [REDACTED] stated he exited the shower and went and sat down on the couch. [REDACTED] advised he stayed on the couch until law enforcement arrived.

On 8-16-19, a second interview was conducted with Amanda. During the course of this interview, Amanda ultimately denied having caused the injurie that resulted in [REDACTED] death.

Amanda was confronted in regards to her initial time frame about when she returned home Wednesday morning (8-14-19) from a night of drinking.

Amanda admitted she lied to law enforcement about when she returned home. Amanda stated she lied because she did not want to get [REDACTED] in trouble for having left the children unattended.

Amanda said she went out drinking with [REDACTED] and got extremely intoxicated. Amanda advised she returned home with [REDACTED] at approximately 10:00 AM and was still extremely intoxicated.

Amanda advised she remembers talking to [REDACTED] briefly but then laid down on the couch with [REDACTED] to go to sleep. Amanda admitted that [REDACTED] came in to the living room and was whining. Amanda said she told [REDACTED] to go back to bed and [REDACTED] did so.

Amanda advised she woke up at approximately noon and took a shower. Amanda stated she sat back down on the couch for a while. Amanda said she looked at [REDACTED] phone and noticed it was approximately 1:30 PM. Amanda again stated she thought it was weird [REDACTED] was not awake, so she went in to her room to check on her.

Amanda said she went in to [REDACTED] room and told her to wake up but [REDACTED] did not respond. Amanda said she picked up [REDACTED] and tried to wake her up but could not. Amanda said [REDACTED] was cold to the touch. Amanda stated she yelled at [REDACTED] one of [REDACTED] kids to get [REDACTED]

Amanda said [REDACTED] came in and attempted CPR briefly. Amanda stated they called 911 and law enforcement showed up.

Amanda was ultimately confronted in regards to what [REDACTED] told law enforcement during his interview. Amanda stated [REDACTED] comments were not true and requested a lawyer. The interview was ended with Amanda.

Based on the above information, I believe probable cause exists for the arrest of Amanda Rose Hernandez for the charge of Murder in the second degree (SDCL 22-16-7).

4. I request that the Court make an ex parte determination as to whether probable cause exists for the warrantless arrest of said Defendant for the above mentioned public offense(s).

Dated this 16th day of August, 2019.



Law Enforcement Officer

Subscribed and sworn to before me this 16th day of August, 2019.

